

UNITED STATES DISTRICT COURT - DISTRICT OF NEW HAMPSHIRE
ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC;
UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No.1:23-cv-00374-JL

**MOTION FOR PROCEDURAL CLARIFICATION ON SEEKING INTERLOCUTORY
APPEAL REGARDING MOTION TO REMAND**

1. I hereby move for clarification on the following items¹.
2. I filed a motion to remand to state court in MA federal court in or around the summer of 2023 and then timely re-filed it in this court, pursuant to the court's instruction, in or around the late fall of 2023.
3. The magistrate judge denied the motion to remand to state court and issued a report and recommendation setting its ruling on the matter. This also included a denial of the motion for limited jurisdictional discovery pertaining to remand and a motion for default.
4. Pursuant to the deadline set by the court, I timely filed an objection to the magistrate's report and recommendation. The district court judge then quickly (within one day) issued an order approving the report and recommendation of the magistrate judge. NB: The motion to remand and the attendant filings contained lengthy pages, ostensibly hundreds of pages. It is unlikely that the district court judge was able to thoroughly or properly review all these filings within one day of my filing my objection. This is especially relevant because the standard for review for a remand motion is de novo, and moreover, I specifically requested de novo review in my objection. I am concerned that no proper review, much less a de novo review, was undertaken by the district court judge.
5. In light of the above, I would like to file a motion for reconsideration regarding the district court judge's order approving the magistrate judge's report and recommendation regarding remand, etc. I also would like to file an interlocutory appeal if the motion for reconsideration is denied. However, I need clarification before I proceed.

¹ I tried filing this on Friday May 31, 2024 but was prevented by system error from doing so. I am quickly filing this now because it was already prepared and was intended to be filed on 5-31-24. See declaration of technical failure filed.

6. I would like procedural clarification on whether I am permitted to file a motion for reconsideration on the district court judge's order approving the magistrate judge's report and recommendation. NB: I am not asking for legal advice² on whether I should or should not file a motion for reconsideration. I am asking for clarification if I am permitted to do so under the rules or customs of the court (i.e., this is not stated in the court rules, as far as I could find). And if so, how much time do I have to do so. To the extent that the time for doing has already passed, then I ask for an extension of time (or in the alternative permission for late entry) to do so in this instance.
7. Also, I am seeking clarification on whether I need to seek permission from the court to file an interlocutory appeal on the denial of remand (which also sought legal fees within the motion for remand) or whether I can simply file the appeal directly in the court of appeals. If so, what is the timeline for me to do so and if the time to do so has passed, then I am asking for an extension of time to do so.
8. NB: This is not my motion for reconsideration of remand itself and this is not an appeal of remand itself. This is simply a motion for procedural clarification, which I understand is permitted under the rules.
9. Given the nature of the motion, I believe it is not necessary to seek concurrence from the defendants and that the defendants would not concur in any event.
10. Please grant a pro se liberal construction to this pleading and please grant the relief requested.

Respectfully submitted,
/s/ Andre Bisasor
Andre Bisasor

May 31, 2024

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served to the defendants in this case.

/s/ Andre Bisasor
Andre Bisasor

² I want to be clear on this because the court has previously misconstrued my request for procedural clarification as request for legal advice, which is not only incorrect but patronizing. The law also allow for pro se parties to seek clarification on procedures of the court, as part of making the courts accessible to all.